

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	<b>:</b>	<b>CRIMINAL NO. <u>07-747</u></b>
<b>v.</b>	<b>:</b>	<b>DATE FILED: <u>11/29/07</u></b>
<b>WALTER ANDINO,</b>	<b>:</b>	<b>VIOLATIONS:</b>
<b>a/k/a "Jamar Hicks"</b>	<b>:</b>	<b>18 U.S.C. § 924(a)(1)(A) (making false</b>
	<b>:</b>	<b>statements to a federal firearms licensee -</b>
	<b>:</b>	<b>1 count)</b>
	<b>:</b>	<b>18 U.S.C. §§ 922(a)(6), 924(a)(2)</b>
	<b>:</b>	<b>(providing false information to a federal</b>
	<b>:</b>	<b>firearms licensee - 1 count)</b>
	<b>:</b>	<b>18 U.S.C. §§ 922(g)(1), 924(e) (possession</b>
	<b>:</b>	<b>of a firearm by a convicted felon - 1</b>
	<b>:</b>	<b>count)</b>
	<b>:</b>	<b>Notice of forfeiture</b>

**INDICTMENT**

**COUNT ONE**

**THE GRAND JURY CHARGES THAT:**

At all times material to this indictment:

1. C & C Sportcenter, 101 Geiger Road, Philadelphia, PA, possessed a federal firearms license ("FFL") and was authorized to deal in firearms under federal laws.
2. FFL holders are licensed, among other things, to sell firearms and ammunition. Various rules and regulations, promulgated under the authority of Chapter 44, Title 18, United States Code, govern the manner in which FFL holders are permitted to sell firearms and ammunition.
3. FFL holders are required to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFL holder, including the

buyer's home address and date of birth.

4. The rules and regulations governing FFL holders require that a person seeking to purchase a handgun fill out a Firearm Transaction Record, ATF Form 4473. Part of the Form 4473 requires that the prospective purchaser certify that all his or her answers on Form 4473 are true and correct. This is to ensure that guns are not sold to prohibited persons. The defendant was a prohibited person because he was a convicted felon.

5. Question 12(a) of ATF Form 4473 requires that the prospective purchaser certify truthfully, subject to penalties of perjury, that he or she is the actual buyer of the firearm. Question 12(c) asks whether the prospective purchaser has "been convicted in any court of a felony, or any other crime" for which he could have imprisoned for more than one year. The ATF Form 4473 states that the prospective purchaser must certify truthfully, subject to penalties of perjury, that he has not made any false oral or written statements with respect to the transaction. The Form 4473 contains language warning that "[t]he making of a false oral or written statement or the exhibiting of any false or misrepresented identification with respect to this transaction is a crime punishable as a felony." The Form 4473 contains language warning that "a person who answers 'yes' to any of the questions 12b through 12k is prohibited from purchasing or receiving a firearm.

6. On or about December 1, 2002, at Philadelphia, in the Eastern District of Pennsylvania, defendant

**WALTER ANDINO**  
**a/k/a "Jamar Hicks,"**

in connection with the acquisition of a firearm, that is, a Highpoint C9, 9mm pistol, serial number P126041, from a federally licensed firearms dealer, that is, C & C Sportcenter, 101

Geiger Road, Philadelphia, Pennsylvania, knowingly made false statements and representations with respect to information required by the provisions of Chapter 44 to be kept in the FFL holders' records, in that defendant WALTER ANDINO certified on ATF Form 4473, Firearms Transaction Record, that he had not been convicted in any court of a crime for which the judge could have imprisoned him for more than one year, and represented his true identity as "Jamar Hicks" when in fact, as defendant WALTER ANDINO well knew, these statements were false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

**COUNT TWO**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 1, 2002, in Philadelphia, in the Eastern District of Pennsylvania, defendant

**WALTER ANDINO  
a/k/a “Jamar Hicks,”**

in connection with the acquisition of a firearm, that is, a Highpoint C9, 9mm pistol, serial number P126041, from C & C Sportcenter, 101 Geiger Road, Philadelphia, Pennsylvania, a licensed dealer of firearms, knowingly made a false and fictitious written statement, or furnished and exhibited a false, fictitious, and misrepresented identification, intended and likely to deceive that dealer with respect to a fact material to the lawfulness of the sale of the firearm under the provisions of Chapter 44, Title 18, United States Code, in that, defendant WALTER ANDINO provided a written statement on Firearm Transaction Record, ATF Form 4473, certifying that he, using the false name and identification of Jamar Hicks, had not been convicted of a crime punishable by imprisonment for a term exceeding one year, knowing that statement was false and fictitious.

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

**COUNT THREE**

**THE GRAND JURY FURTHER CHARGES THAT:**

On or about December 1, 2002, in Philadelphia, in the Eastern District of  
Pennsylvania, defendant

**WALTER ANDINO  
a/k/a “Jamar Hicks,”**

having been convicted in a court of the Commonwealth of Pennsylvania of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate commerce a firearm, that is, a Highpoint C9, 9mm pistol, serial number P126041.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

**NOTICE OF FORFEITURE**

**THE GRAND JURY FURTHER CHARGES THAT:**

As a result of the violations of Title 18, United States Code, Sections 924(a)(1)(A), 922(a)(6), and 922(g)(1), set forth in this indictment, defendant

**WALTER ANDINO  
a/k/a “Jamar Hicks”**

shall forfeit to the United States of America the firearm involved in the commission of such offenses, including, but not limited to:

(1) 1 Highpoint C9, 9mm pistol, serial number P126041.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

**A TRUE BILL:**

\_\_\_\_\_  
**GRAND JURY FOREPERSON**

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**PATRICK L. MEEHAN**  
**United States Attorney**